

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105-2219
FAX (415) 904-5400
TDD (415) 597-5885

**W12**

DATE: September 19, 2023
TO: Coastal Commissioners
FROM: Kate Huckelbridge, Executive Director
SUBJECT: **DRAFT MINUTES** of MEETING of June 7-8, 2023
Virtual Meeting #3

WEDNESDAY, JUNE 7, 2023

1. **CALL TO ORDER and ROLL CALL.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by Chair Brownsey . **Present:** Chair Brownsey, Vice Chair Hart, Aguirre, Bochco, Cummings, Escalante, Harmon, Notthoff, Rice, Turnbull-Sanders, Uranga, Wilson. **Non-voting present:** Dumlao
2. **VIRTUAL MEETING PROCEDURES.**
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Members of the public addressed the Commission on various issues affecting the coast.
5. **Chair's Report.** None.

STATEWIDE

6. **EXECUTIVE DIRECTOR'S REPORT.**
 - a. **Executive Director's Report.** Information only.
 - b. **Commission Correspondence.** Information on letter sent to the Environmental Protection Agency (EPA) by Commissioner Aguirre.
 - c. **Legislative Report.**

AB80(Addis) Staff recommended the Commission support.

Motion & vote: Wilson moved to support AB880 pursuant to the staff recommendation and recommended a yes vote, seconded by Rice. The roll call vote was 10 in favor (Aguirre, Bochco, Cummings, Harmon, Hart, Rice, Turnbull-Sanders, Uranga, Wilson, Brownsey) of the motion and two abstentions (Escalante, Notthoff). **Support.**

SB423 (Wiener) Staff recommended that the Commission oppose unless amended.

Motion & vote: Cummings moved to oppose unless amended pursuant to the staff recommendation and recommended a yes vote, seconded by Hart. The roll call vote was 12 in favor of the motion (Aguirre, Bochco, Cummings, Escalante, Harmon, Hart, Notthoff, Rice, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **Oppose unless amended.**

d. **SONGS Mitigation Program.** Staff recommended approval. (Escalante & Rice out)

Motion & vote: Bochco moved to approve the 2024 and 2025 two-year Work Program and Budget and contingency fund as recommended by staff and recommended a yes vote, seconded Aguirre. The roll call vote was 10 in favor (Aguirre, Bochco, Cummings, Harmon, Hart, Notthoff, Turnbull-Sanders, Uranga, Wilson, Brownsey), and none opposed. **Approved.**

e. **Service Contract for the Digitization of Coastal Commission and Regional Commission Analog Recordings.** (Escalante returned)

Motion & vote: Harmon moved to authorize the Executive Director or designee to enter into contract to digitize analog recordings and recommended a yes vote, seconded by Notthoff. The roll call vote was 11 in favor (Aguirre, Bochco, Cummings, Escalante, Harmon, Hart, Notthoff, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **Approved.**

7. **CONSENT CALENDAR.** Staff recommended approval of the consent calendar.

8. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved items (13a, 15b) to the expanded consent calendar and recommended approval.

Motion & vote: Hart moved to approve the expanded consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Wilson. The roll call vote was 11 in favor (Aguirre, Bochco, Cummings, Escalante, Harmon, Hart, Notthoff, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **Approved as recommended.**

ENFORCEMENT

9. **ENFORCEMENT REPORT.** Report by Chief of Enforcement on Statewide Enforcement Program. None.

- 9.1. **Consent Cease and Desist Order No. CCC-23-CD-02 (Wildman Family Trust, Malibu, Los Angeles County)** Staff recommended that the Commission issue the cease-and-desist order.

Motion & vote: Escalante moved to issue the consent cease-and-desist order pursuant to the staff recommendation and recommended a yes vote, seconded by Uranga. The roll call vote was 11 in favor (Aguirre, Bochco, Cummings, Escalante, Harmon, Hart, Notthoff, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **Approved.**

- 9.2. **Consent Restoration Order No. CCC-23-RO-01 (Wildman Family Trust, Malibu, Los Angeles County)** Staff recommended that the Commission issue the restoration order.

Motion & vote: Escalante moved to issue the consent restoration order pursuant to the staff recommendation and recommended a yes vote, seconded by Uranga. The roll call vote was 11 in favor (Aguirre, Bochco, Cummings, Escalante, Harmon, Hart, Notthoff, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **Approved.**

- 9.3. **Consent Administrative Penalty No. CCC-23-AP-01 (Wildman Family Trust, Malibu, Los Angeles County)** Staff recommended that the Commission issue the Administrative Penalty.

Motion & vote: Escalante moved to issue the consent administrative penalty pursuant to the staff recommendation and recommended a yes vote, seconded by Uranga. The roll call vote was 11 in favor (Aguirre, Bochco, Cummings, Escalante, Harmon, Hart, Notthoff, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **Approved.**

- 9.4. **Consent Cease and Desist Order No. CCC-23-CD-03 (Mancuso Family Revocable Trust, Malibu, Los Angeles County)** Staff recommended that the Commission issue the cease-and-desist order.

Motion & vote: Escalante moved to issue the consent cease-and-desist order pursuant to the staff recommendation and recommended a yes vote, seconded by Uranga. The roll call vote was 11 in favor (Aguirre, Bochco, Cummings, Escalante, Harmon, Hart, Notthoff, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **Approved.**

- 9.5. **Consent Restoration Order No. CCC-23-RO-02 (Mancuso Family Revocable Trust, Malibu, Los Angeles County)** Staff recommended that the Commission issue the restoration order.

Motion & vote: Escalante moved to issue the consent restoration order pursuant to the staff recommendation and recommended a yes vote, seconded by Uranga. The roll call vote was 11 in favor (Aguirre, Bochco, Cummings, Escalante, Harmon, Hart, Notthoff, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **Approved.**

- 9.6. **Consent Administrative Penalty No. CCC-23-AP-02 (Mancuso Family Revocable Trust, Malibu, Los Angeles County)** Staff recommended that the Commission issue the Administrative Penalty.

Motion & vote: Escalante moved to issue the consent administrative penalty pursuant to the staff recommendation and recommended a yes vote, seconded by Uranga. The roll call vote was 11 in favor (Aguirre, Bochco, Cummings, Escalante, Harmon, Hart, Notthoff, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **Approved.**

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

10. **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY.** Report by the Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, negative determinations, matters not requiring public hearings, and status report on offshore oil & gas exploration & development. There being no objection, Chair Brownsey ruled that the Commission concurred.
11. **FEDERAL CONSISTENCY.**
- a. **Consistency Determination No. CD-0010-22 (United States Air Force, Santa Barbara Co.) [POSTPONED]**

NORTH COAST DISTRICT

12. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, local government acceptance of modifications for LCP certification and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Brownsey ruled that the Commission concurred.
13. **COASTAL PERMIT APPLICATIONS.**
- a. **Application No. 1-22-1055 (Humboldt County Dept. of Public Works, Loleta)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

NORTH CENTRAL COAST DISTRICT

14. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, local government acceptance of modifications for LCP certification and on comments from the public relating to the Deputy Director's report. [No items reported].
15. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application No. 2-17-0815 (Demmel Pier, Inverness)** Staff recommended approval with conditions.

Motion & vote: Rice moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Hart. The roll call vote was unanimous (Aguirre, Bochco, Cummings, Escalante, Harmon, Hart, Notthoff, Rice, Turnbull-Sanders, Uranga, Wilson, Brownsey) in favor of the motion and none opposed. **Approved with conditions.**
 - b. **Application No. 2-23-0300 (Caltrans Highway 1 Rehabilitation, West Marin County)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

CENTRAL COAST DISTRICT

16. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, local government acceptance of modifications for LCP certification and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Brownsey ruled that the Commission concurred.
17. **LOCAL COASTAL PROGRAMS (LCPs).**
 - a. **SLT-NOID-0002-23 (Cambria Pines and Rancho Marino Reserves Forest Health and Vegetation Treatment Projects).** Staff recommended approval.

Motion & vote: Rice move to determine that the Notice of Impending Development as conditioned is consistent with the certified Upper Salinas-Las Tablas Resource Conservations District Forest Health and Fire Resilience Public Works Plan and recommended a yes vote, seconded by Cummings. The roll call vote was unanimous in favor of the motion (Aguirre, Bochco, Cummings, Escalante, Harmon, Hart, Notthoff, Rice, Turnbull-Sanders, Uranga, Wilson, Brownsey). **Approved.**

- b. **SLT-NOID-0003-23 (Hearst Ranch Forest Health Project).** Staff recommended approval.

Motion & vote: Cummings move to determine that the Notice of Impending Development as conditioned is consistent with the certified Upper Salinas-Las Tablas Resource Conservations District Forest Health and Fire Resilience Public Works Plan and recommended a yes vote, seconded by Wilson. The roll call vote was unanimous in favor of the motion (Aguirre, Bochco, Cummings, Escalante, Harmon, Hart, Notthoff, Rice, Turnbull-Sanders, Uranga, Wilson, Brownsey). **Approved.**

18. **NEW APPEALS.**

- a. **Appeal No. A-3-PGR-23-0009 (Elstob Family Investments SFD, Pacific Grove) [WITHDRAWN]**

18.1. **REVISED FINDINGS.**

- a. **Application No. A-3-STC-22-0018 (Oversized Vehicle Parking Restrictions, Santa Cruz)** Staff recommended approval of the revised findings.

Motion & vote: Bochco moved to approve the revised findings and recommended a yes vote, seconded by Wilson. The roll call vote of the prevailing side was unanimous in favor of the motion (Aguirre, Bochco, Cummings, Escalante, Notthoff, Rice, Wilson, Hart, Brownsey) and none opposed. **Approved.**

STATEWIDE

- 19. **APPROVAL OF MINUTES.** The minutes of February 2023 were approved as written.

Motion & vote: Rice moved to approve the minutes as written and recommended a yes vote, seconded by Wilson. The roll call vote was 9 in favor (Aguirre, Bochco, Escalante, Hart, Rice, Turnbull-Sanders, Uranga, Wilson, Brownsey) and two abstentions (Cummings, Harmon). **Approved.**

20. **COMMISSIONERS' REPORTS.**
21. **COMMISSION SUB-COMMITTEE REPORTS.**
22. **CONSERVANCY REPORT. .**
23. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.**
24. **SANTA MONICA BAY RESTORATION REPORT.**
25. **DEPUTY ATTORNEY GENERAL'S REPORT.**

The Commission recessed for the day at 3:25 p.m. and went into closed session.

THURSDAY, JUNE 8, 2023

1. **CALL TO ORDER and ROLL CALL.** The meeting of the California Coastal Commission was called to order at 9:00 a.m. by. Present: Chair Brownsey, Aguirre, Bochco, Cummings, Escalante, Harmon, Notthoff, Rice, Turnbull-Sanders, Uranga, Wilson. Absent: Hart. Non-voting present: None.

Report of Closed Session.

Commission received litigation information and advice and took action on the following case:

Pappas, et al. v. State Coastal Conservancy, et al.

Commission received litigation information and advice on the following cases:

CCC v. North County Transit District
City of Ft. Bragg v. Mendocino Railway
North County Transit District v. CCC (STB case No. 36433)
Friends, Artists, and Neighbors of Elkhorn Slough, et al. v. CCC
AMJT Capital LLC v. CCC

2. **VIRTUAL MEETING PROCEDURES.**
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.**
5. **ADMINISTRATIVE CALENDAR.** Staff recommended that the Commission concur with the Executive Director's determination. There being no objection, Chair Brownsey ruled that the Commission concurred.
 - a. **Application No. 5-22-1059 (June Landing LLC, Newport Beach)**
 - b. **Application No. 5-22-0235 (Meyers, Newport Beach)**
 - c. **Application No. 5-23-0015 (BASH Investments, LLC, Newport Beach)**
 - d. **Application No. 5-23-0121 (Drew Street Investments, LLC, Huntington Beach)**
 - e. **Application No. 5-22-0661 (Ashwill, Newport Beach)**
6. **CONSENT CALENDAR.** Staff recommended approval of the consent calendar.

Motion & vote: Bochco moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Rice. The roll call vote was 10 in favor (Aguirre, Bochco, Cummings, Escalante, Harmon, Notthoff, Rice, Turnbull-Sanders, Wilson, Brownsey) and none opposed. **Approved with conditions.**
[Uranga out for vote]

- a. **Application No. 5-22-0386 (Santa Monica Properties LLC, Santa Monica)**
 - b. **Application No. 5-22-0948 (Tallman, Torrance)**
 - c. **Application No. 5-22-1037 (Cabber NB, LLC, Newport Beach)**
7. **CONSENT CALENDAR (removed from Regular Calendar).** Staff moved 7 items [9a, 10b, 15a, 16a, 18a, 18c, 20a] to the expanded consent calendar and recommended approval as recommended.

Motion & vote: Uranga moved to approve the expanded consent calendar pursuant to the staff recommendation and recommended a yes vote, seconded by Notthoff. The roll call vote was 11 in favor (Aguirre, Bochco, Cummings, Escalante, Harmon, Notthoff, Rice, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **Approved as recommended.**

SOUTH CENTRAL COAST DISTRICT

8. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, local government acceptance of modifications for LCP certification and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Brownsey ruled that the Commission concurred.
9. **LOCAL COASTAL PROGRAMS.**
- a. **City of Carpinteria LCP Amendment No. LCP-4-CPN-23-0011-1 (Formula Businesses).** Moved by staff to the expanded consent calendar. **Concurred.**
10. **COASTAL PERMIT APPLICATIONS.**
- a. **Application No. 4-22-0408 (Sandyland Cove Homeowners Association, Santa Barbara Co.) [POSTPONED]**
 - b. **Application No. 4-22-0862 (Ventura Yacht Club, Ventura)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

11. **DEPUTY DIRECTOR'S REPORT FOR LOS ANGELES COUNTY.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, local government acceptance of modifications for LCP certification and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Brownsey ruled that the Commission concurred.

12. LOCAL COASTAL PROGRAMS (LCPs).

- a. **Los Angeles Ordinance Amendment.** Staff recommended adoption of the amendment.

Motion & vote: Bochco moved to adopt the modifications to Amendment #2 of the City of Los Angeles local government Coastal Development Permit program pursuant to the staff recommendation and recommended a yes vote, seconded by Harmon. The roll call vote was 11 in favor (Aguirre, Bochco, Cummings, Escalante, Harmon, Notthoff, Rice, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **Approved with modifications.**

- b. **City of Long Beach LCP Amendment No. LCP-5-LOB-21-0088-2.** Staff recommended denial of the Implementation Plan as submitted and approval if modified as suggested by staff.

Motion & vote: Uranga moved to reject the Implementation Plan as submitted and recommended a yes vote, seconded by Cummings. The roll call vote was 8 in favor (Aguirre, Bochco, Cummings, Harmon, Rice, Turnbull-Sanders, Uranga, Brownsey) and 3 opposed (Escalante, Notthoff, Wilson). **Certification denied as submitted.**

Motion & vote: Uranga moved to certify the Implementation Plan if modified as suggested and recommended a yes vote, seconded by Cummings. The roll call vote was 9 in favor (Aguirre, Bochco, Cummings, Harmon, Rice, Turnbull-Sanders, Uranga, Wilson, Brownsey) and 2 opposed (Escalante, Notthoff). **Approved with modifications.**

13. COASTAL PERMIT APPLICATIONS.

- a. **Application No. 5-23-0383 (Naples Restaurant Group LLC, Long Beach)**
Staff recommended approval with conditions.

Motion & vote: Uranga moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Bochco. The roll call vote was 10 in favor (Bochco, Cummings, Harmon, Notthoff, Rice, Uranga, Wilson, Brownsey) and two opposed (Aguirre, Escalante). **Approved with conditions.**
[Turnbull-Sanders out for vote]

SOUTH COAST DISTRICT (ORANGE COUNTY)

14. **DEPUTY DIRECTOR'S REPORT FOR ORANGE COUNTY.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, local government acceptance of modifications for LCP certification and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Brownsey ruled that the Commission concurred.
15. **LOCAL COASTAL PROGRAMS (LCPs).**
 - a. **Local Coastal Program Amendment No. LCP-5-LGB-23-0001-1.** Moved by staff to the expanded consent calendar. **Approved as submitted.**
16. **COASTAL PERMIT APPLICATIONS.**
 - a. **Application 5-22-0259 (Donovan, San Clemente)** Moved by staff to the expanded consent calendar. **Approved with conditions.**
 - b. **Application No. 5-21-0562 (Hometown America LLC, Laguna Terrace MHP, Laguna Beach)** Staff recommended approval with special conditions.

Motion & vote: Rice moved to approve pursuant to the staff recommendation and recommended a yes vote, seconded by Wilson. The roll call vote was 9 in favor (Aguirre, Bochco, Cummings, Escalante, Harmon, Notthoff, Rice, Wilson, Brownsey) and none opposed. **Approved with conditions.** [Turnbull-Sanders & Uranga out]

SAN DIEGO COAST DISTRICT

17. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, local government acceptance of modifications for LCP certification and on comments from the public relating to the Deputy Director's report. There being no objection, Chair Brownsey ruled that the Commission concurred.
18. **LOCAL COASTAL PROGRAMS (LCPs).**
 - a. **City of Encinitas LCP Amendment No. LCP-6-ENC-22-0051-3 (Appeal Period Timelines).** Moved by staff to the expanded consent calendar. **Concurred.**
 - b. **City of San Diego LCP Amendment No. LCP-6-BRL-22-0022-1 (Barro Logan Community Plan Update).** Staff recommended denial of the Land Use Plan as submitted and approval with modifications and approval of the implementation plan as submitted.

Motion & vote: Aguirre moved to certify the Land Use Plan as submitted and recommended a no vote, seconded by Turnbull-Sanders. The roll call vote was 11 in opposition of the motion (Aguirre, Bochco, Cummings, Escalante, Harmon, Notthoff, Rice, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none in favor. **Certification denied as submitted.**

Motion & vote: Aguirre moved to certify the Land Use Plan if modified as suggested and recommended a yes vote, seconded by Turnbull-Sanders. The roll call vote was 11 in favor (Aguirre, Bochco, Cummings, Escalante, Harmon, Notthoff, Rice, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **Approved with modifications.**

Motion & vote: Aguirre moved to reject the Implementation Plan as submitted and recommended a no vote, seconded by Turnbull-Sanders. The roll call vote was 11 in opposition to the motion (Aguirre, Bochco, Cummings, Escalante, Harmon, Notthoff, Rice, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none in favor. **Approved as submitted.**

- c. **City of San Diego LCP Amendment No. LCP-6-SAN-22-0045-2 (Climate Action Plan Update).** Moved by staff to the expanded consent calendar. **Approved as submitted.**

19. **NEW APPEALS.**

- a. **Appeal No. A-6-LJS-22-0036 (Neptune Place Park Improvements, San Diego)** Staff recommended that the Commission determine that the appeal raised no substantial issue.

Motion & vote: Bochco moved to determine that Appeal No. A-6-LJS-22-0036 raised no substantial issue on the grounds on which the appeal was filed and recommended a yes vote, seconded by Aguirre. The roll call vote was 11 in favor (Aguirre, Bochco, Cummings, Escalante, Harmon, Notthoff, Rice, Turnbull-Sanders, Uranga, Wilson, Brownsey) and none opposed. **No substantial issue found.**

20. **COASTAL PERMIT APPLICATIONS.**

- a. **Application No. 6-22-0893 (Oceanside Loma Alta Slough restoration, Oceanside)** Moved by staff to the expanded consent calendar. **Approved with conditions.**

There being no old or new business, the meeting of the California Coastal Commission adjourned at 4:45 p.m.

Respectfully submitted,

Kate Huckelbridge
Executive Director

Approved as Submitted _____

Donne Brownsey
Chair